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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

13 EXAMWORKS, LLC, a Delaware limited
14 liability company,

15 Plaintiff,

16 v.

17 TODD BALDINI, an individual, ABYGAIL
BIRD, an individual, LAWRENCE STUART
18 GIRARD, an individual, PAMELLA TEJADA,
an individual, ROE CORPORATION, and
19 DOES 1 through 10,

20 Defendants.
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Case No. 2:20-CV-00920-KJM-DB

**PLAINTIFF EXAMWORKS' NOTICE
OF MOTION AND MOTION FOR
LEAVE TO FILE THE SECOND
AMENDED COMPLAINT**

Judge: Hon. Kimberly J. Mueller
Place: Courtroom 3, 15th floor
Date: February 19, 2021
Time: 10:00 a.m.

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD: PLEASE TAKE NOTICE
2 that the following Motion For Leave to File the Second Amended Complaint will be heard on
3 February 19, 2021, at 10:00 a.m., or as soon thereafter as counsel may be heard, in Courtroom 3,
4 15th Floor of the Robert T. Matsui Courthouse, 501 I Street, Sacramento, CA 95814, the
5 Honorable Kimberly J. Mueller presiding.

6 Plaintiff ExamWorks will, and hereby does, move this Court, pursuant to Federal Rule of
7 Civil Procedure 15(a)(2) for an order granting leave for ExamWorks to file the Second Amended
8 Complaint in this action. ExamWorks' proposed Second Amended Complaint and its exhibits
9 attached hereto as Exhibit A. At the time of filing, claims against Defendant Baldini are subject
10 to an automatic stay pursuant to 11 U.S.C. § 362. Accordingly, ExamWorks includes allegations
11 that refer to Baldini in the proposed Second Amended Complaint pleading for two purposes: 1)
12 to pursue injunctive relief with respect to Baldini and 2) to the extent necessary to pursue claims
13 against the other defendants. ExamWorks is not including new allegations in the proposed
14 Second Amended Complaint to pursue new or additional damages against Defendant Baldini in
15 light of the stay. ExamWorks reserves all rights in the event the stay is lifted or otherwise
16 rendered inapplicable.

17 This Motion is based on this Notice of Motion and Motion For Leave to File the Second
18 Amended Complaint; Exhibit A to this Motion; the accompanying Memorandum of Points and
19 Authorities; the Proposed Order; the record in this matter; and such and further papers, evidence,
20 and argument as may be submitted in connection with this Motion.

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22 Dated: January 14, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

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24 By: /s/ Robert S. Shwartz
25 ROBERT S. SHWARTS
26 Attorneys for Plaintiff
27 ExamWorks, LLC
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